

### **REMARKS**

After entry of this amendment, claims 1-17 will be pending. Claims 1-3 and 6-16 stand rejected. Claims 4 and 5 are objected to. Applicant thanks the Examiner for indicating the allowable subject matter in claims 4 and 5.

Claims 1, 7, 9, and 16 are amended. The preambles of claims 1 and 7 have been amended to eliminate redundant recitations of claim elements (e.g., the hemostasis valve and the splittable sheath). Claim 17 is newly added. Support for the amendments and new claim can be found, *inter alia*, at paragraphs [0037] to [0039] of the specification as published (United States patent application publication no. 2004/0260243, Dec. 23, 2004), and in Figs. 2-5. No new matter has been introduced.

Applicant has thoroughly reviewed the Office action, including the Examiner's remarks and the references cited therein. Applicant submits that the following remarks are fully responsive to the Office action, and that all pending claims are patentable over the cited references.

### **Rejection Under 35 U.S.C. § 103**

The Examiner rejects claims 1-3 and 6-16 under 35 U.S.C. § 103 as obvious over United States patent no. 4,772,266 to Groshong ("Groshong") in view of United States patent no. 4,629,455 to Kanno ("Kanno") and United States patent no. 4,436,519 to O'Neill ("O'Neill"). To establish a *prima facie* case of obviousness, the Examiner must demonstrate some suggestion or motivation to combine one or more references, with a reasonable expectation of success, to teach or suggest each and every claimed limitation. MPEP § 2142. Applicant contends that the Examiner has failed to meet this burden with respect to the rejected claims. Specifically, the asserted combination of references does not yield the claimed invention.

Claims 1, 7, and 16 recite "a sliding connector *slidably* disposed about the shaft of the adapter fitting. . . ." (Emphasis added.) That is, "a sliding connector 82 is disposed about the outer surface of the adapter fitting 56. . . . [and] may slide proximally and distally along the shaft 58 of the adapter fitting 56 . . . ." Specification, para. [0037]; compare Fig. 2 with Fig. 5.

Groshong, on the other hand, teaches a coupling member (generally designated 50 in Fig. 3) that is “integrally joined” to the shaft at annular ring 44 “by application of a suitable adhesive or bonding agent at tapered opening 54.” Groshong, col. 3, lines 57-61. The phrase “integrally joined” and the mention of an “adhesive or bonding agent” strongly suggests that Groshong’s coupling member is immovable relative to the shaft of Groshong’s dilator. Thus, the coupling member of Groshong is not “slidably disposed” about the shaft as recited in claims 1, 7, and 16. Neither Kanno nor O’Neill addresses or overcomes this shortcoming.

Applicant therefore submits that independent claims 1, 7, and 16 are not *prima facie* obvious. Claims 2, 3, 6, and 8 are allowable for at least the same reasons as the independent claims from which they depend are allowable.

Claim 9 recites an adapter fitting that includes “*two or more* wedges disposed on an external surface of the cannula portion for interfacing with a weakened portion of the splittable sheath.” (Emphasis added.) In indicating that claims 4 and 5 contain allowable subject matter, the Examiner implicitly acknowledges that the cited prior art teaches only a single wedge—engaging portion 19 of Kanno, which extends continuously around Kanno’s device—and neither teaches nor suggests “two or more wedges” as recited in claim 9. Accordingly, Applicant submits that independent claim 9, as well as claims 10-15 depending therefrom, are not *prima facie* obvious.

In light of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-3 and 6-16 under 35 U.S.C. § 103.

**CONCLUSION**

In view of the foregoing amendments and remarks, Applicant respectfully submits that the application is in condition for allowance, and requests that all rejections be withdrawn, that all pending claims be allowed, and that the application be passed to issue. If, for any reason, the Examiner finds the application to be in other than condition for allowance, the Examiner is invited to contact the undersigned in an effort to resolve any matter still outstanding before issuing another action.

Applicant has provided for a two (2) month extension herewith. Should a further extension be deemed necessary, Applicant hereby petitions therefor under 37 C.F.R. § 1.136.

No fee is believed due for the addition of claims herein. Authorization is hereby granted to charge any fees due with the filing of this document, including excess claims fees and fees for any further extensions of time deemed necessary, to Deposit Account No. 50-1129 with reference to Attorney Docket No. 0B-048600US/82410-0052.

Respectfully submitted,

**WILEY REIN LLP**

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By: 

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Floyd B. Chapman  
Registration No. 40,555  
Scott A. Felder  
Registration No. 47,558

**WILEY REIN LLP**

Attn: Patent Administration  
1776 K Street, N.W.  
Washington, D.C. 20006  
**Telephone: 202.719.7000**  
**Facsimile: 202.719.7049**